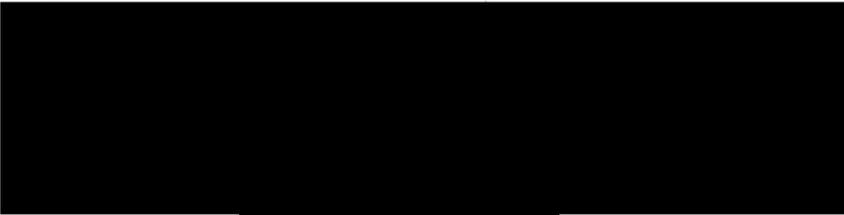


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**U.S. Citizenship
and Immigration
Services**

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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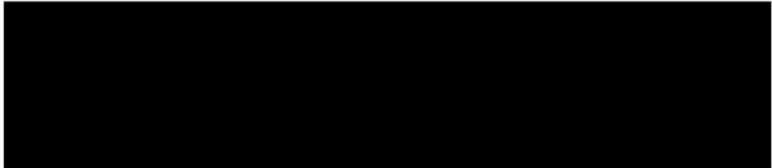
Office: California Service Center

Date: **DEC 27 2006**

[WAC 05 211 80888]

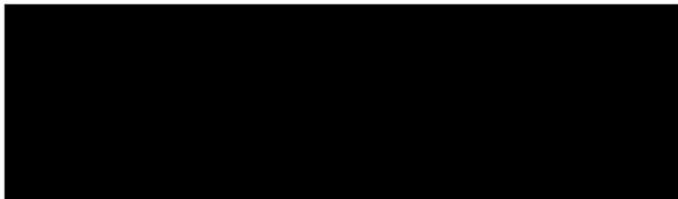
IN RE:

Applicant:



APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254.

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant is a citizen of El Salvador who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reveals that the applicant filed a late initial TPS application on November 14, 2002, under CIS receipt number SRC 03 039 56053. The Texas Service Center director denied the application on July 21, 2003, because the applicant failed to respond, within 30 days, to a notice of intent to deny, issued January 27, 2003, wherein the director requested that the applicant submit evidence to establish her continuous physical presence in the United States from March 9, 2001, and to establish her eligibility for late initial registration for TPS after the registration period March 9, 2001 through September 9, 2002. The director, therefore, considered that application abandoned. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed; however, an applicant may file a motion to reopen under 8 C.F.R. § 103.5 within 30 days of the denial decision. The record does not reflect that the applicant filed a motion to reopen.

The applicant filed the current Form I-821, Application for Temporary Protected Status, on April 29, 2005, under CIS receipt number WAC 05 211 80888, and indicated that she was re-registering for TPS.

The California Service Center director denied that application on August 16, 2005, because the applicant's initial TPS application had been denied as the applicant did not establish prima facie eligibility for TPS.

On appeal, counsel states that she is submitting evidence of the applicant's eligibility for TPS. With the appeal, in an attempt to establish the applicant's continuous residence in the United States prior to February 13, 2001, and the applicant's continuous physical presence from March 9, 2001, counsel submits a photocopy of: a CIS receipt notice, dated May 9, 2005; a CIS Fingerprint notification, dated May 31, 2005; the biographic page of the applicant's El Salvador passport issued on June 13, 2002, in Dallas, Texas; 17 earnings statements for various pay periods ranging from June 30, 2000 to January 31, 2003; a Western Union money transfer receipt, dated January 25, 2000; 14 Trans-Fast money transfer receipts dated in the years 2000, 2001, and 2002; and a Certificate of Marriage, dated June 23, 2003.

If the applicant is filing an application as a re-registration, a previous grant of TPS must have been afforded the applicant, as only those individuals who are granted TPS must register annually. In addition, the applicant must continue to maintain the conditions of eligibility. 8 C.F.R. § 244.17.

In this case, the applicant has not previously been granted TPS. Therefore, she is not eligible to re-register for TPS. Consequently, the director's decision to deny the application will be affirmed.

The application will be denied for the above stated reason. An alien applying for temporary protected status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.